

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent of: Artavanis-Tsakonas *et al.*

Confirmation No.: 8386

Patent No. 7,727,732 B2

Art Unit: 1647

Issued: June 1, 2010

Examiner: Stoica, Elly Gerald

Application No. 10/781,059

Filed: February 17, 2004

For: METHODS FOR IDENTIFYING
MODULATORS OF NOTCH ACTIVATION

Attorney Docket No: 7326-132

**REQUEST FOR RECONSIDERATION OF DECISION ON REQUEST FOR
RECONSIDERATION OF PATENT TERM ADJUSTMENT**

MAIL STOP PATENT EXT.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentees respectfully request reconsideration of the Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction dated January 4, 2011 ("Decision") of the Application for Patent Term Adjustment under 37 C.F.R. § 1.705(d) mailed July 30, 2010 ("Request").

Patentees note that the Decision did not include the 289 day period between the filing of a Notice of Appeal on September 25, 2008 and the mailing of a Notice of Allowance on July 10, 2009, within the period defined under 37 C.F.R. § 1.702(b). However, this 289 day period should have been included as office delay under 37 C.F.R. § 1.702(e). Patentees on September 25, 2008 filed a Notice of Appeal and a Request for Pre-Appeal Brief Review. No claim amendments were made in connection with this filing. Subsequently, on July 10, 2009 (289 days later), the U.S. Patent and Trademark Office issued a Notice of Allowance, reversing the sole rejection of anticipation. Thus, Patentees request that the patent term adjustment determined in the Decision be adjusted by adding 289 days (1,038 + 289) to 1,327 days.

Alternatively, Patentees respectfully request that 165 days be added to the patent term adjustment. 165 days is the number of days from January 25, 2009, which is four months

after the filing of the Notice of Appeal on July 25, 2008, to July 10, 2009, the day on which the Notice of Allowance was mailed. Further, since according to the Decision, the period between September 25, 2008 and July 10, 2009 is not included in the period defined under 37 C.F.R. § 1.702(b), there is no overlap of this 165 day period with the period defined under 37 C.F.R. § 1.702(b). Thus, the patent term adjustment determined in the Decision should be adjusted by adding 165 days (1,038 + 165) to 1,203 days.

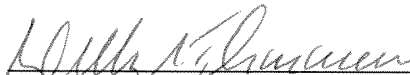
In summary, Patentees request reconsideration of the patent term adjustment calculated in the Decision such that 289 days are added, or alternatively, such that 165 days are added. Accordingly, Patentees respectfully request an adjustment of patent term under 37 C.F.R. § 1.703(f) totaling 1,327 days, or alternatively totaling 1,203 days.

In accordance with the Decision, this request for reconsideration is being filed within one month of the January 4, 2011 mailing date of the Decision, and thus, is timely filed.

No fee is believed due; however, should the U.S. Patent and Trademark Office determine otherwise, please charge any required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: February 4, 2011



William J. Thomann 40,203
(Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939